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President: Ms. Chatardová (Vice-President) (Czechia)

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In the absence of Mr. Shava (Zimbabwe), Ms. Chatardová (Czechia), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 19: Social and human rights questions
(continued)

(c) Crime prevention and criminal justice

(E/2016/30/Add.1-E/CN.15/2016/13/Add.1,
E/2017/74 and E/2017/30-E/CN.15/2017/13)

(d) Narcotic drugs (E/2016/28/Add.1-
E/CN.7/2016/16/Add.1, E/2017/28-
E/CN.7/2017/11; E/INCB/2016/1 and
E/INCB/2016/4)

1. **Mr. Kitano** (Japan), Chair of the Commission on Crime Prevention and Criminal Justice, accompanying his statement with a digital slide presentation, gave a briefing on the work of the twenty-sixth regular session of the Commission, the report of which was contained in document E/2017/30-E/CN.15/2017/13. The Commission dealt with a wide range of issues in the area of crime prevention and criminal justice, including terrorism, urban crime, trafficking in persons, wildlife crime, trafficking of cultural property, corruption and violence against women. The Commission was a policymaking body designed to deal with the negative aspects of globalization.

2. At its twenty-sixth session, the Commission had adopted nine resolutions and four decisions and engaged in a variety of policy discussions. Over 1,000 participants had attended the session, which had also comprised 93 side events (including one organized with the Commission on Narcotic Drugs) and 10 exhibitions.

3. Three draft resolutions had been recommended for approval by the Economic and Social Council and subsequent adoption by the General Assembly. The first dealt with the United Nations Congress on Crime Prevention and Criminal Justice, which took place every five years and would next be held in Japan in 2020. The overall theme would be "Advancing crime prevention, criminal justice and rule of law: Towards the achievement of the 2030 Agenda" and was designed to examine the practical implementation of crime prevention and criminal justice policies in the context of the achievement of the Sustainable Development Goals. Four agenda items, each with a related workshop topic, had been selected: crime prevention; criminal justice; how to promote the rule of law and foster a culture of lawfulness; and international cooperation and technical assistance,

especially to prevent terrorism and new and emerging forms of crime.

4. The second resolution in that category concerned United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and encouraged Member States to improve imprisonment conditions. The third resolution concerned technical assistance for counter-terrorism and called on the United Nations Office on Drugs and Crime to continue to provide assistance for such efforts.

5. Two resolutions had been recommended by the Commission for approval by the Economic and Social Council, addressing the issues of combatting trafficking in persons and finding alternatives to imprisonment. Finally, three decisions had been adopted by the Commission which required no further action, one of which was the report of the twenty-sixth session.

6. The work of the Commission was linked to many of the Sustainable Development Goals, especially those dealing with peace and institutions, gender equality, sustainable cities and partnerships. The Commission had a three-dimensional approach to eradicating poverty that included addressing the needs of vulnerable populations and eradicating violence against women and children; avoiding the loss of valuable resources, especially through trafficking in persons and wildlife crime; and breaking vicious cycles. Violence was strongly related to inequality, just as terrorism was closely linked to poverty. In order to eradicate poverty, the vicious cycle must be broken.

7. **Ms. Angell-Hansen** (Norway), Chair of the Commission on Narcotic Drugs, gave a briefing on the recent work of the Commission and presented the report of its sixtieth session, contained in document E/2017/28-E/CN.7/2017/11. Accompanying her remarks with a digital slide presentation, she said that new psychoactive substances and the darknet were new challenges being faced in modern times. Attended by more than 1,750 people and comprising more than 100 side events and an address by the Secretary-General, the session had been divided into two main parts. The operational part related mainly to the work of the United Nations Office on Drugs and Crime. The normative part had focused on the implementation of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, and the follow-up to the special session of the General Assembly on the world drug problem held in 2016, including the seven thematic areas of the outcome

document of the special session. The normative part had also concerned itself with recommendations made by the subsidiary bodies of the Commission and matters relating to the Council. During the session, the Commission had discussed the implementation of international drug control treaties, including changes to the scope and control of substances. Member States had scheduled 12 new substances, ten among them on the basis of recommendations made by the World Health Organization (WHO). The outcome of those recommendations, as well as the fact that the former Director General of WHO had addressed the session, demonstrated the importance of working together to address the issues. The other two newly scheduled substances were precursors to fentanyl, and had been recommended by the International Narcotics Control Board and the delegation of the United States of America, a country where 100 people died from narcotic drugs every day.

8. The Commission had recommended the approval of one draft resolution by the Council for adoption by the General Assembly, as well as four draft decisions for adoption by the Council. Nine resolutions in total, addressing a wide range of subject matter, had been adopted by the Commission. Resolution 60/1, which concerned the preparations for the sixty-second session of the Commission in 2019, was the result of several months of negotiations. The outcome document of the special session of the General Assembly contained 100 operational recommendations and was very important for the implementation of the Political Declaration and Plan of Action. In autumn 2017 the Commission would work together with several of its subsidiary bodies and international organizations across all seven thematic areas of the document. The Commission had submitted its contributions to the President of the Council for consideration at the high-level segment of its 2016 session, and detailed information about those contributions could be consulted on the website of the Commission. The work of the Commission was integral to the 2030 Agenda for Sustainable Development as well as several of the Sustainable Development Goals, including those relating to poverty, health, inequality, partnerships and access to justice, and she looked forward to future cooperation between the Commission and the Council.

9. **Mr. Sumyai** (President, International Narcotics Control Board), accompanying his statement with a digital slide presentation, introduced the annual report of the International Narcotics Control Board for 2016 as contained in document E/INCB/2016/1. The Board worked with Governments to improve implementation of convention provisions to ensure the availability of

narcotic drugs and psychotropic substances for medical and scientific purposes, while preventing diversion, illicit cultivation and production, trafficking, and abuse.

10. The report, complemented by the 2016 Precursors Report as contained in document E/INCB/2016/4, presented the Board's findings and recommendations for action by the international community. The two technical publications also provided details on estimates of the annual legitimate requirements of narcotic drugs and psychotropic substances for each country, as well as data on the licit production, manufacture, trade and consumption of drugs worldwide.

11. In light of Sustainable Development Goal 5 on gender equality and women's empowerment, the annual report contained a chapter on women and drugs, which called on Governments to design and implement gender-sensitive drug policies. Although women represented one-third of global drug users, they constituted only one-fifth of drug treatment recipients. There had been a disproportionate increase in drug overdoses among women. The systemic, structural, social, cultural and personal barriers preventing women from accessing healthcare must be addressed and treatment programmes and facilities must be tailored to the specific needs of women. Women were increasingly being arrested for drug-related offences, which had a significant impact on their families and children. The report reminded policymakers and legislators of the importance of protecting the rights of women who used drugs or had committed drug-related offences, and reminded all States of the possibility of utilizing the relevant provisions of the conventions, which, for minor offenses, allowed for alternatives to conviction or punishment, such as treatment, rehabilitation and social reintegration.

12. The 2016 special session of the General Assembly on the world drug problem had marked a turning point with regard to the prominence accorded to the availability of internationally controlled drugs for medical and scientific purposes, and the recognition that the availability of medicines in many countries remained low to non-existent. The Board was implementing the operational recommendations on ensuring the availability of and access to controlled substances exclusively for medical and scientific purposes, while preventing their diversion, including through its Learning project which comprised regional training seminars, awareness-raising workshops and e-learning modules. Increased financial support would be essential to continue with such capacity-building activities to strengthen drug control administrations.

13. The Board was also improving availability through its International Import and Export Authorization System, which facilitated and expedited the secure electronic exchange of import and export authorizations between Governments. The system also safeguarded against excess imports or exports, thereby preventing diversion. Countries were encouraged to join the system, provided free of charge, and to ensure that the resources necessary for its ongoing implementation were made available.

14. Following the recommendation by the special session of the General Assembly that Member States should address issues related to the affordability of controlled medicines, several countries had begun to produce morphine nationally, to import morphine powder, and/or to provide morphine free of charge to patients. Efforts to improve availability must be balanced by efforts to prevent and address overconsumption, which had created an overdose crisis in some regions of the world. A careful balance must be achieved between the availability of controlled substances to treat or manage various health conditions and symptoms such as pain, and the potential negative effects that the same substances could cause if taken for non-medical purposes.

15. The effectiveness of the international drug control system depended upon the fulfilment by Governments of their treaty obligations to accurately report to the Board in a timely manner. While many Governments unfortunately failed to comply with that obligation, they were nonetheless urged to provide data to the Board as required by the conventions and pursuant to the related resolutions of the Council and the Commission. Governments were likewise encouraged to ensure that competent national authorities were adequately trained.

16. Supply reduction also remained essential; the control of precursors was a means to prevent serious illicit activity. Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) required the promotion of international cooperation to prevent chemicals from being diverted for the illicit manufacture of substances of abuse. In that regard, the Board provided tools that enabled Governments to exchange information in real time in order to enhance control over precursor chemicals. The increasing use of non-scheduled precursors in the illicit manufacture of drugs required modern, flexible approaches and international cooperation. The Board had issued guidelines to assist Governments in establishing partnerships with the private sector to control precursor

chemicals and to help counter the emergence of "designer precursors".

17. Although not under international control, new psychoactive substances posed a growing threat to health and welfare worldwide. The Board was working with national authorities to facilitate information sharing on incidents involving those substances.

18. As part of its regional analysis on the world drug situation, the Board had reiterated its grave concern about the further deteriorating drug control and security situation in Afghanistan, which was closely linked to high levels of opium poppy and cannabis cultivation and the emerging illicit manufacture of methamphetamine. It had also expressed concern about the extensive problem of drug abuse and dependence in the country and the dire need for adequate prevention and treatment services. The Board remained in close dialogue with the Government of Afghanistan and had conducted a mission there in 2016. It called upon partner Governments and the international community to support counter-narcotics efforts in Afghanistan in the spirit of common and shared responsibility, as the success of drug control efforts in Afghanistan was intrinsically linked to broader developmental and criminal justice challenges being adequately addressed. Action against drugs was an essential component of sustainable development.

19. States Parties to the Single Convention on Narcotic Drugs (1961) had made the decision to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of drugs. However, recent developments in a number of countries were not in conformity with the treaties, in particular developments concerning the use of cannabis for non-medical purposes. States Parties were reminded that they had willingly decided to subject cannabis to the highest levels of control under the treaties, in recognition of the public health risks associated with its abuse. States parties must determine how to respond to developments in some States in which the non-medical use of cannabis had been or was being legalized and regulated, in clear contravention of the conventions.

20. It was a misconception that drug control conventions were overly punitive; they were founded upon respect for human rights, a balanced approach, and the principle of proportionality. The conventions did not require the imprisonment of people who used drugs or who committed minor drug-related offences; in fact, they provided States with the flexibility to apply alternative measures. However, those measures,

including treatment and rehabilitation, remained underutilized by many States. The Board encouraged States that retained capital punishment to consider the abolition of the death penalty for drug-related offences. It also condemned the extrajudicial targeting of people suspected of illicit drug-related activity, as a breach of the drug control conventions and of human rights more broadly. All Governments concerned must put an immediate stop to such actions.

21. For the operation of drug consumption rooms to be consistent with the conventions, the ultimate objective of such facilities must be to reduce the adverse consequences of drug abuse through treatment, rehabilitation and reintegration measures without condoning or increasing abuse or encouraging drug trafficking. Drug consumption rooms must not be a substitute for demand reduction programmes, particularly prevention and treatment.

22. **Mr. Musikhin** (Russian Federation) said that his delegation welcomed the Commission on Narcotic Drugs resolution 60/1 on preparations for the sixty-second session of the Commission, which would contain a ministerial segment open to all Member States and interested stakeholders to assess the implementation of State commitments to jointly address and counter the world drug problem, with a particular focus on the 2019 target date that had been set in the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem.

23. The Political Declaration, the Joint Ministerial Statement of the 2014 high-level review by the Commission on Narcotic Drugs of the implementation by Member States of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, and the outcome document of the 2016 special session of the United Nations General Assembly were all mutually reinforcing and should guide the work of the Commission. It was necessary to focus the current work of the Commission on the evaluation of the progress made in achieving the specific goals and targets of the Political Declaration, including through the operational recommendations adopted by the special session of the General Assembly.

24. **Mr. Ríos Sánchez** (Observer for Mexico) said that it was crucial for the Economic and Social Council to help generate synergies with the Commission on Narcotic Drugs. Greater coherence must be achieved within the United Nations system on issues addressed

by both bodies so that efforts at the national, regional and global levels could be complementary.

25. It was essential to mainstream the gender perspective in all multilateral forums, as crime prevention programmes that fostered a culture of lawfulness were more effective when they took into account gender-specific issues. His delegation recognized the collaboration of all those who had contributed to the adoption of Commission resolution 26/3 on mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes and into efforts to prevent and combat transnational organized crime, an initiative launched by his country and Australia.

26. The theme selected for the upcoming United Nations Congress on the Prevention of Crime and the Treatment of Offenders highlighted the linkages between crime prevention, criminal justice and the rule of law with a view to achieving the 2030 Agenda. The adoption of Commission resolution 22/7 on strengthening international cooperation to combat cybercrime was an important step forward in that regard. Recent events had only increased the relevancy of sharing information on national legislation, best practices, technical assistance and international cooperation on the matter.

27. The Commission on Narcotic Drugs must implement the operational recommendations of the special session of the General Assembly with a view to preparations for the high-level meeting in 2019 and to reflect the changing international paradigm on drugs. It was necessary for the Commission to work in a coordinated and coherent manner with all United Nations entities, promoting greater cooperation between the health, education and criminal justice sectors. It was imperative for the Commission to continue evaluating the implementation of the operational recommendations. Nonetheless, his delegation regretted the resistance of certain Member States to the adoption of a more ambitious course of action by the Commission on Narcotic Drugs. All member States and the United Nations Office on Drugs and Crime were urged to provide further support to the International Narcotics Control Board.

28. The lack of geographic diversity and gender equality within the staff of the United Nations Office on Drugs and Crime at all levels remained a matter of concern. The Office was urged to aim for gender equality and equitable geographical distribution, especially at the director level. His delegation called for the support of the Economic and Social Council to

evaluate the programmes and projects undertaken by the Office on Drugs and Crime.

29. Mexico would continue to work with other States, regional and international entities and the specialized agencies of the United Nations to improve the availability and quality of statistics on drugs. In that regard, it highlighted the adoption of the international classification of crimes for statistical purposes and supported further coordination with the United Nations Statistical Commission.

30. **Mr. Franco** (United States of America) said that the edited text of paragraph 12 of draft resolution III contained in the report did not convey the same meaning as what had been agreed by the Member States. His delegation proposed either reverting to the originally agreed wording "... to plan, incite, recruit, fund or commit terrorist attacks ..." or modifying the sentence to read "... to plan, incite, recruit for, fund or commit terrorist attacks ...".

31. **Mr. Gustafik** (Secretary of the Council) said that the proposed change would be incorporated into the draft resolution.

Draft decision: Report of the Commission on Crime Prevention and Criminal Justice on its reconvened twenty-fifth session

32. **The President** invited the Council to take action, under sub-item (c), on the draft decision contained in chapter I, section A, of the report of the Commission on Crime Prevention and Criminal Justice on its reconvened twenty-fifth session (E/2016/30/Add.1-E/CN.15/2016/13/Add.1).

33. *The draft decision was adopted.*

Action on recommendations contained in the report of the Commission on Crime Prevention and Criminal Justice on its twenty-sixth session (E/2017/30-E/CN.15/2017/13)

34. **The President** invited the Council to take action on the draft proposals contained in chapter I, sections A, B and C, of the report.

Section A

Draft resolution I: Follow-up to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice

Draft resolution II: Promoting the practical application of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)

Draft resolution III: Technical assistance for implementing the international conventions and protocols related to counter-terrorism

35. *Draft resolutions I and II were adopted.*

36. *Draft resolution III was adopted as orally revised.*

Section B

Draft resolution I: Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons

Draft resolution II: Promoting and encouraging the implementation of alternatives to imprisonment as part of comprehensive crime prevention and criminal justice policies

37. *Draft resolutions I and II were adopted.*

Section C

Draft decision I: Improving the governance and financial situation of the United Nations Office on Drugs and Crime: extension of the mandate of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime

Draft decision II: Report of the Commission on Crime Prevention and Criminal Justice on its twenty-sixth session and provisional agenda for its twenty-seventh session
Draft decision III: Appointment of two members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

38. *Draft decisions I, II and III were adopted.*

Oral decision

39. **The President** proposed that the Council should take note of the report of the Board of Trustees on major activities of the United Nations Interregional Crime and Justice Research Institute (E/2017/74).

40. *It was so decided.*

Draft decision: Report of the Commission on Narcotic Drugs on its reconvened fifty-ninth session

41. **The President** invited the Council to take action, under sub-item (d), on the draft decision contained in chapter I, section A, of the report of the Commission on Narcotic Drugs on its reconvened fifty-ninth session (E/2016/28/Add.1-E/CN.7/2016/16/Add.1).

42. *The draft decision was adopted.*

Action on recommendations contained in the report of the Commission on Narcotic Drugs on its sixtieth session (E/2017/28-E/CN.7/2017/11)

43. **The President** invited the Council to take action, also under sub-item (d), on the draft proposals contained in chapter I, sections A and B, of the report, with the exception of draft decision II in section B, which the Council had just adopted under section C of document E/2017/30-E/CN.15/2017/13 ("Improving the governance and financial situation of the United Nations Office on Drugs and Crime: extension of the mandate of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime").

44. **Mr. Gustafik** (Secretary of the Council), delivering a statement of programme budget implications in accordance with rule 31 of the rules of procedure of the Council, said that should draft decision I be adopted, under the terms of paragraph 13 of the annex to draft decision I, the Commission on Narcotic Drugs would request the United Nations Office on Drugs and Crime to provide enhanced technical and substantive support to the Commission in conducting the follow-up to the special session of the General Assembly on the world drug problem held in 2016 and in preparing for the sixty-second session of the Commission, to be held in 2019.

45. With regard to paragraph 13 of the annex to the draft decision, the secretariat had reviewed the workload requirements and concluded that the requirements of enhanced technical and substantive support to the Commission could not be absorbed within existing capacity. It therefore estimated that additional regular budget resources in the amount of \$275,000, inclusive of staff assessment, would be required as a one-time non-recurrent cost under section 16, International drug control, crime and terrorism prevention and criminal justice, and section 36, Staff assessment, of the proposed programme budget for the biennium 2018-2019. The resources would provide for 24 months of temporary assistance at the P-3 level to deliver technical and substantive support to the Commission in the areas of (i) the holding of intersessional meetings of the Commission; (ii) the follow-up to the special session of the General Assembly on the world drug problem; (iii) the use of tools to enhance remote participation; (iv) the preparations for the ministerial segment of the fifty-second session of the Commission; and (v) the work of the Commission on the global follow-up and support to

the thematic review of progress in respect of the relevant Sustainable Development Goals.

46. In accordance with established procedures, the additional requirements for the biennium 2018-2019 would be considered in the context of the report of the Secretary-General on the revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council at its organizational and substantive sessions of 2017.

Section A

Draft resolution: Promoting the implementation of the United Nations Guiding Principles on Alternative Development and related commitments on alternative development and regional, interregional and international cooperation on development-oriented, balanced drug control policy addressing socioeconomic issues

47. *The draft resolution was adopted.*

Section B

Draft decision I: Preparations for the sixty-second session of the Commission on Narcotic Drugs in 2019

Draft decision III: Report of the Commission on Narcotic Drugs on its sixtieth session and provisional agenda for its sixty-first session

Draft decision IV: Report of the International Narcotics Control Board

48. *Draft decisions I, III and IV were adopted.*

Oral decision

49. **The President** proposed that the Council should take note of the 2016 report of the International Narcotics Control Board on precursors and chemicals frequently used in the illicit manufacture of narcotic drugs and psychotropic substances (E/INCB/2017/4).

50. *It was so decided.*

(e) United Nations High Commissioner for Refugees (continued) (E/2017/47 and E/2017/L.13)

51. **Ms. O'Hara** (Deputy Director, New York Liaison Office, Office of the United Nations High Commissioner for Refugees (UNHCR)) presented an oral report on behalf of UNHCR on coordination aspects of UNHCR activities in partnership with Member States, intergovernmental organizations, United Nations agencies, non-governmental organizations, and refugees and other persons of concern to UNHCR. Over the

previous year the number of people displaced by conflict, war and persecution had reached 65.6 million, including refugees, internally displaced persons and asylum-seekers awaiting decisions on their applications. The conflict in the Syrian Arab Republic and the crisis in South Sudan were two of the largest sources of refugees. Given that so many people were displaced for long periods of time due to protracted and recurrent conflicts, it was necessary to provide more than just short-term responses. Partnerships and coordination with a broad range of actors, including, most crucially, those States hosting refugees, was fundamental to expanding and diversifying the solutions for refugees and internally displaced persons, address the underlying causes of displacement, and prevent and solve problems of statelessness.

52. In 2016, several events had influenced the coordination of UNHCR with its partners, including the World Humanitarian Summit, the Grand Bargain on humanitarian financing, and the adoption of the 2030 Agenda and the Sustainable Development Goals, among others. The adoption of the New York Declaration for Refugees and Migrants, of which the Comprehensive Refugee Response Framework was an integral and meaningful part, had also been a milestone for global solidarity and the protection of refugees.

53. In the area of the humanitarian-development nexus, UNHCR had strengthened its collaboration with the United Nations Development Programme, the International Labour Organization and the Organization for Economic Cooperation and Development. UNHCR had also worked with the World Bank in the context of its International Development Association for fragile and conflict- and violence-afflicted States, for the benefit of refugee-affected countries. UNHCR also participated in the Human Rights Working Group of the United Nations Development Group, which it co-chaired with the Office of the High Commissioner for Human Rights. The Office was heavily engaged in the follow-up to the quadrennial comprehensive policy review for 2017-2020.

54. UNHCR had continued to implement the Inter-Agency Standing Committee transformative agenda by way of the Global Protection, Shelter, and Global Camp Coordination and Camp Management Clusters. It had also strengthened cooperation with United Nations partners such as the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the International Organization for Migration and the World Health Organization, covering the areas of improved cash-based assistance, joint vulnerability assessments, coordination in emergency situations,

joint planning and advocacy, and the health of refugees and migrants.

55. Non-governmental organizations (NGOs) also were vital partners in the work of UNHCR, and were consulted in policy development and implementation. The UNHCR Annual Consultations with NGOs in Geneva remained the main forum for dialogue, networking and joint advocacy, with 313 organizations participating in its most recent session in June 2017. The Enhanced Framework for Implementing with Partners was being rolled out, and, as part of the follow-up to the Grand Bargain on humanitarian financing, UNICEF, WFP and UNHCR were seeking to simplify and harmonize project agreements, reporting formats and audit requirements.

56. UNHCR was also improving its coordination with the private sector to enable innovation and entrepreneurship to benefit refugees and other persons of concern. For instance, UNHCR was working with information and communication technology companies to enhance access and connectivity to the Internet, thus facilitating distance-learning and training programmes.

57. The High Commissioner for Refugees had placed great emphasis on strengthening partnerships, as was outlined in UNHCR's Strategic Directions 2017-2021. Partnerships and coordination were essential in order to protect refugees and seek solutions to their plight.

Draft decision E/2017/L.13: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

58. **The President** said that the draft decision contained no programme budget implications.

59. *Draft decision E/2017/L.13 was adopted.*

(f) Human rights (A/72/55; E/2017/22-E/C.12/2016/3 and E/2017/70)

60. **Mr. Mokhiber** (Assistant Secretary-General for Human Rights and Director, New York Office of the High Commissioner for Human Rights) said that the 2030 Agenda was explicitly anchored in human rights and offered a comprehensive vision of sustainable development. Introducing the report of the United Nations High Commissioner for Human Rights on economic, social and cultural rights (E/2017/70), he said that Member States had committed themselves to implementing the Agenda in accordance with their obligations under international law, including human rights law. Attention must be paid, in particular, to the requirements of economic, social and cultural rights. Admittedly, implementation placed demands on public

budgets, which posed a special challenge to the least developed countries and countries affected by conflict, disaster and humanitarian crisis. However, as a matter of law, States could not invoke a lack of resources to justify non-compliance with human rights treaties they had ratified. Rather, the International Covenant on Economic, Social and Cultural Rights required each State party to take steps to the fullest extent of its available resources to realize, progressively and in full, the rights recognized by the Covenant by all appropriate means. States must therefore use resources efficiently and make every effort to raise revenues necessary for the realization of those rights, including preserving and expanding fiscal space, introducing more equitable tax policies, reviewing the impact of public expenditures, reducing inefficiencies and combating corruption and tax evasion.

61. Policy choices made by States should prioritize the implementation of all human rights and respect the core principles of non-discrimination, transparency, participation and accountability. Expanding resources required effective institutions, appropriate laws, good governance reforms, a strong and engaged civil society, and a free and independent media with full access to information. Furthermore, Governments must do all they could to mobilize necessary resources, not only domestically but also through international cooperation. Delivering on commitments for international cooperation under the 2030 Agenda and the Addis Ababa Action Agenda was critical to provide low-income countries with more predictable access to additional resources.

62. International cooperation was also crucial to combating tax evasion and illicit financial flows at the global level. The continued existence of tax havens was an obstacle to mobilizing sufficient resources for ensuring compliance in the area of human rights.

63. Lastly, the report highlighted some key elements crucial to ensuring that States delivered on their obligations and commitments related to human rights and the Sustainable Development Goals, including a transparent public decision-making process, full access to information, and meaningful public participation, particularly by those most affected by policies. In order to achieve those aims, it was necessary to strengthen the capacities of public officials, civil society, national human rights institutions and others to analyse and monitor public budgets from a human-rights perspective.

64. Introducing the report of the Committee on Economic, Social and Cultural Rights on its fifty-seventh, fifty-eighth and fifty-ninth sessions

(E/2017/22-E/C.12/2016/3), he said that the additional meeting time granted pursuant to General Assembly resolution 68/268 had allowed the Committee to consider a larger number of State party reports in 2016 and reduce its backlog. The Committee had continued its consideration of individual communications, and adopted guidance on third-party interventions during examination. The consideration of individual cases helped to clarify the scope of application of the International Covenant on Economic, Social and Cultural Rights and offered guidance with regard to appropriate remedies for victims. The Committee had adopted general comments Nos. 22 and 23 as well as two substantive statements, and encouraged States parties to refer to them when implementing the Covenant. Finally, the joint meeting with the Human Rights Committee in June 2016 had highlighted the interconnected work of the two Committees and underscored the indivisibility of human rights.

65. Turning to the report of the Committee on the Rights of Persons with Disabilities (A/72/55), he said that the additional meeting time that had been granted had enabled the Committee to consider 28 State party initial reports, register eight communications, adopt five views on individual complaints, and finalize its first inquiry under the Optional Protocol. The Committee had held a day of general discussion on the right to inclusive education and adopted a general comment on the topic; it had also held broad consultations and subsequently adopted a general comment on article 6 of the Convention. The Committee had compiled its recommendations to States parties under article 14 into guidelines, which were included as an annex to the report of the Committee. It had adopted guidelines on periodic reporting, and it was noteworthy that many States parties had accepted the simplified reporting procedure. All of the States parties whose reports were scheduled for consideration had participated in their dialogues with the Committee in Geneva. The Committee had called on States parties to fully include persons with disabilities in their implementation of the 2030 Agenda, and called for data to be disaggregated on the basis of disability.

66. The Committee welcomed the adoption of the Charter on Inclusion of Persons with Disabilities in Humanitarian Action at the World Humanitarian Summit, and the New Urban Agenda at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III). Though it supported the efforts of the United Nations to promote accessibility across the Organization, the Committee recommended that it should abandon the medical approach to

assessing disability in relation to travel procedures, promote the employment of persons with disabilities, and increase the availability of easy-read and plain-text documentation formats, so as to ensure the broader participation of persons with disabilities. Lastly, the Committee noted with concern that the 2016 election of members of the Committee had resulted in a serious gender imbalance with only one female member left. It called on States parties to restore gender parity and equitable geographical distribution in the membership of the Committee.

Oral decision

67. **The President** proposed that the Council should take note of the report of the United Nations High Commissioner for Human Rights on economic, social and cultural rights (E/2017/70), the report of the Committee on Economic, Social and Cultural Rights on its fifty-seventh, fifty-eighth and fifty-ninth sessions (E/2017/22-E/C.12/2016/3), and the report of the Committee on the Rights of Persons with Disabilities (A/72/55).

68. *It was so decided.*

(g) Permanent Forum on Indigenous Issues (E/2017/43-E/C.19/2017/11)

69. **Ms. Aboubakrine** (Chair of the United Nations Permanent Forum on Indigenous Issues), introducing the report of the Permanent Forum on its sixteenth session (E/2017/43-E/C.19/2017/11), said that indigenous peoples were gaining visibility and importance across the United Nations system, partly owing to the Paris Agreement under the United Nations Framework Convention on Climate Change and the 2030 Agenda for Sustainable Development, which included indigenous peoples more than previous frameworks. Indigenous peoples had a valuable contribution to make to a sustainable world for all; much could be learned from their traditional livelihoods and ways of living in harmony with nature. However, they continued to face discrimination and to be stereotyped as backward and underdeveloped. They also frequently remained trapped in structural poverty due to a denial of their basic human rights, marginalization and poor access to basic services. It was necessary to ensure that indigenous peoples' rights were recognized, protected and promoted.

70. The main theme of the sixteenth session, which had been attended by a large number of delegates from Member States, over 1,000 indigenous representatives, as well as representatives of NGOs and United Nations entities, was the "Tenth Anniversary of the United

Nations Declaration on the Rights of Indigenous Peoples". The Forum had noted progress in implementation of the Declaration since its adoption in 2007, including the development of constitutional and legal frameworks that recognized indigenous peoples and targeted policies and programmes. However, formal recognition of indigenous peoples' rights did not always translate into practice, and discriminatory laws and regulations that violated their rights continued to exist. Their lands and resources continued to be grabbed at an alarming rate, and threats and violence against indigenous peoples who defended their territories, rights and livelihoods were on the rise.

71. In its discussion on the follow-up to the 2014 World Conference on Indigenous Peoples, the Forum had welcomed the progress made on the implementation of the United Nations system-wide action plan on the rights of indigenous peoples, called for the United Nations system to work coherently at the national level to support Member States in their implementation of the Declaration on the Rights of Indigenous Peoples, and discussed the consultation process, led by the President of the General Assembly, concerning the ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them. Member States should open the doors of the United Nations to indigenous peoples' representative institutions, since indigenous peoples had a great deal to offer to the United Nations and increased dialogue could only be for the better.

72. The forum had also discussed the situation of indigenous human rights defenders, the implications of the 2030 Agenda for indigenous peoples and the empowerment of indigenous women and youth. The accounts of human rights violations that indigenous human rights defenders were subjected to were of particular concern. Many of the cases related to indigenous peoples' concerns about natural resource extraction and infrastructure projects in their territories. Many individuals had been subjected to violent attacks, threats, enforced disappearances, illegal surveillance, travel bans, blackmail and sexual harassment. Criminalization of the activities of human rights defenders was used to silence protesters and dissuade others from protesting. Alarming, recent years had seen a rise in killings of human rights defenders.

73. Indigenous people must participate in implementing the 2030 Agenda and in evaluating progress. Disaggregated data on indigenous peoples was essential for evaluating the impact of the Sustainable Development Goals on their communities.

As a subsidiary body of the Economic and Social Council, the Forum had contributed a substantive report (E/C.19/2017/2) to the upcoming high-level political forum on sustainable development, in which it made recommendations regarding inclusion of indigenous peoples in the 2030 Agenda.

74. The Forum had made a number of recommendations on the empowerment of indigenous women and youth. It continued the practice of holding closed dialogue meetings with Member States, indigenous peoples' organisations and United Nations agencies. It was also increasing its cooperation and coordination with other bodies of the Economic and Social Council. It had worked with the Commission on the Status of Women on the empowerment of indigenous women, a topic which the Commission had considered as an emerging theme at its sixty-first session. Its discussions with the Statistical Commission had drawn attention to the importance of developing sound methodologies for the identification of indigenous peoples in censuses, household surveys and statistics related to the 2030 Agenda.

75. The draft decisions submitted to the Council and the recommendations to the United Nations system contained in the report (E/2017/43-E/C.19/2017/11) were expected to contribute to the achievement of the broad mandate of the Forum.

76. **Mr. Franco** (United States of America) said that his delegation had been consulting with indigenous peoples' representatives in the United States on the follow-up to the outcome document of the World Conference on Indigenous Peoples. Whether or not the process to enhance the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them resulted in a new status for indigenous peoples' institutions at the United Nations, the Economic and Social Council should remain a space where indigenous peoples could express their views on issues that mattered to them. His Government would be in contact with the Special Rapporteur on the rights of indigenous peoples to follow up on the recommendations she had made following her 2017 visit to the United States.

77. His Government remained committed to the principles of the Declaration on the Rights of Indigenous Peoples, and would be reluctant to accept a system of participation that undermined those principles or went below the standards of the World Conference outcome document. When seeking ways for indigenous peoples to participate at the United Nations, it was important to bear in mind that

indigenous identity was not exclusively determined by European colonization.

78. Disaggregated data should be gathered to analyse the impact of progress towards the Sustainable Development Goals on indigenous persons. United States statistical policy specifically encouraged the collection of detailed data on American Indian and Alaska Native persons who maintained tribal affiliation or community attachment, as long as confidentiality standards and data quality were not compromised. His Government was committed to providing disaggregated statistics in relation to the Sustainable Development Goal indicators, in accordance with the forthcoming guidance.

79. The national Centers for Disease Control and Prevention (CDC) were working with the CDC Tribal Consultation Advisory Committee and the Indian Health Service to prevent the spread of HIV in indigenous populations, specifically by targeting those at greatest risk of contracting HIV, including young gay and bisexual indigenous men.

80. The Violence Against Women Reauthorization Act of 2013 recognized tribes' inherent power to exercise special criminal jurisdiction over Indian and non-Indian offenders who committed acts of domestic violence or dating violence, or who violated a protection order in Indian country. In October 2016, his Government had hosted the Governments of Canada and Mexico with a view to starting a North American Working Group on Violence Against Indigenous Women and Girls to address the high rates of domestic and sexual violence in indigenous communities.

81. The use of native languages built identity and encouraged communities to move toward social unity and self-sufficiency. National efforts to preserve and promote indigenous languages included adoption of the Native American Languages Act of 1990, which provided for the revitalization of Native American languages through immersion and restoration programmes. In September 2017, the Department of Education would make between three and seven grants to support schools' use of Native American and Alaska Native languages as primary languages of instruction, under the new Native American Language programme.

82. **Mr. de la Mora Salcedo** (Observer for Mexico), speaking also on behalf of Guatemala, said that since the presentation of the previous report of the Forum, there had been a noteworthy improvement in the dialogue and cooperation between the independent experts and the Member States. The voices of indigenous people enriched the work of the United Nations. His Government and the Government of

Guatemala reaffirmed their support for the outcome document of the World Conference on Indigenous Peoples and the United Nations Declaration on the Rights of Indigenous Peoples.

83. With regard to the participation of indigenous peoples in relevant United Nations meetings, the modalities of which were currently being negotiated in the General Assembly, he suggested the following. There should be a special category for representatives of indigenous peoples, since they were not NGOs; their participation should be at least on an equal footing with that of the NGOs in consultative status with the Council; there should be a space on the agenda of the Council for indigenous issues; and they should be able to participate effectively, with representation from all of the regions of the world. The ongoing negotiations in the General Assembly represented a first step towards such participation. All Member States were encouraged to reaffirm the commitments they had made in the outcome document of the World Conference on Indigenous Peoples, to ensure spaces for the indigenous peoples of the world.

84. **Mr. Simpson** (Australia), speaking also on behalf of Canada, said that the commitment to enhance the participation of indigenous peoples in the United Nations was not new: at the World Conference on Indigenous Peoples in 2014 participants had committed to consider ways to enable the participation of indigenous peoples in relevant United Nations meetings on issues affecting them, and General Assembly resolution 70/232 of 2016 set out a clear mandate for the adoption of a resolution concerning the modalities of their participation by the end of the current session of the General Assembly. The Governments of Australia and Canada remained steadfastly committed to achieving that outcome by the agreed deadline.

85. It was regrettable that Member States had moved away from consideration of enhanced participation in the General Assembly, although the ongoing consideration of enhanced participation in the Economic and Social Council and the Human Rights Council was welcome. As discussions progressed, it was important to ensure that the United Nations did give consideration to indigenous peoples' broader participation, including in the General Assembly. Both Governments would continue to work with fellow Member States to enhance indigenous peoples' participation in a manner that did not reduce their existing opportunities for participation at the United Nations, including in the Permanent Forum for Indigenous Issues and the Human Rights Council.

Action on recommendations contained in the report of the Permanent Forum on its sixteenth session (E/2017/43-E/C.19/2017/11)

86. **The President** invited the Council to take action on the draft decisions contained in chapter I, section A, of the report.

Draft decision I: International expert group meeting on the theme "Sustainable development in territories of indigenous peoples"

Draft decision II: Venue and dates for the seventeenth session of the Permanent Forum on Indigenous Issues

Draft decision III: Report of the Permanent Forum on Indigenous Issues on its sixteenth session and provisional agenda for its seventeenth session

87. *Draft decisions I, II and III were adopted.*

(h) Comprehensive implementation of the Durban Declaration and Programme of Action

88. **The President** recalled that the General Assembly, in its resolution 62/220, had decided that the Assembly, through its role in policy formulation, and the Economic and Social Council, through its role in overall guidance and coordination, and in accordance with their respective roles under the Charter of the United Nations and General Assembly resolution 50/227, as well as the Human Rights Council, should constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action. No advance documentation had been submitted under agenda item 19 (h).

The meeting rose at 12.30 p.m.